

HOUSE BILL No. 1233

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-50-6-3; IC 35-50-6-3.3.

Synopsis: Inmate credit time. Increases the amount of credit time a Class I inmate earns for each day the inmate serves and for completing education and substance abuse programs.

Effective: July 1, 2004.

Smith V

January 15, 2004, read first time and referred to Committee on Courts and Criminal Code.

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Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

HOUSE BILL No. 1233

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-50-6-3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. (a) A person
3 assigned to Class I earns ~~one (1) day~~ **two (2) days** of credit time for
4 each day ~~he the person~~ is imprisoned for a crime or confined awaiting
5 trial or sentencing.

6 (b) A person assigned to Class II earns one (1) day of credit time for
7 every two (2) days ~~he the person~~ is imprisoned for a crime or confined
8 awaiting trial or sentencing.

9 (c) A person assigned to Class III earns no credit time.

10 SECTION 2. IC 35-50-6-3.3, AS AMENDED BY P.L.164-2003,
11 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2004]: Sec. 3.3. (a) In addition to any credit time a person
13 earns under subsection (b) or section 3 of this chapter, a person earns
14 credit time if the person:

15 (1) is in credit Class I;

16 (2) has demonstrated a pattern consistent with rehabilitation; and

17 (3) successfully completes requirements to obtain one (1) of the

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following:

(A) A general educational development (GED) diploma under IC 20-10.1-12.1, if the person has not previously obtained a high school diploma.

(B) A high school diploma.

(C) An associate's degree from an approved institution of higher learning (as defined under IC 20-12-21-3).

(D) A bachelor's degree from an approved institution of higher learning (as defined under IC 20-12-21-3).

(b) In addition to any credit time that a person earns under subsection (a) or section 3 of this chapter, a person may earn credit time if, while confined by the department of correction, the person:

(1) is in credit Class I;

(2) demonstrates a pattern consistent with rehabilitation; and

(3) successfully completes requirements to obtain at least one (1) of the following:

(A) A certificate of completion of a vocational education program approved by the department of correction.

(B) A certificate of completion of a substance abuse program approved by the department of correction.

(C) A certificate of completion of a literacy and basic life skills program approved by the department of correction.

(c) The department of correction shall establish admissions criteria and other requirements for programs available for earning credit time under subsection (b). A person may not earn credit time under both subsections (a) and (b) for the same program of study.

(d) The amount of credit time a person may earn under this section is the following:

(1) ~~Six (6) months~~ **One (1) year** for completion of a state of Indiana general educational development (GED) diploma under IC 20-10.1-12.1.

(2) ~~One (1) year~~ **Two (2) years** for graduation from high school.

(3) ~~One (1) year~~ **Two (2) years** for completion of an associate's degree.

(4) ~~Two (2)~~ **Four (4)** years for completion of a bachelor's degree.

(5) Not more than a total of ~~six (6) months~~ **one (1) year** of credit, as determined by the department of correction, for the completion of one (1) or more vocational education programs approved by the department of correction.

(6) Not more than a total of ~~six (6) months~~ **one (1) year** of credit, as determined by the department of correction, for the completion of one (1) or more substance abuse programs approved by the

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department of correction.

(7) Not more than a total of ~~six (6) months~~ **one (1) year** credit, as determined by the department of correction, for the completion of one (1) or more literacy and basic life skills programs approved by the department of correction.

However, a person who does not have a substance abuse problem that qualifies the person to earn credit in a substance abuse program may earn not more than a total of ~~twelve (12) months~~ **two (2) years** of credit, as determined by the department of correction, for the completion of one (1) or more vocational education programs approved by the department of correction. If a person earns more than ~~six (6) months~~ **one (1) year** of credit for the completion of one (1) or more vocational education programs, the person is ineligible to earn credit for the completion of one (1) or more substance abuse programs.

(e) Credit time earned by a person under this section is subtracted from the release date that would otherwise apply to the person after subtracting all other credit time earned by the person.

(f) A person does not earn credit time under subsection (a) unless the person completes at least a portion of the degree requirements after June 30, 1993.

(g) A person does not earn credit time under subsection (b) unless the person completes at least a portion of the program requirements after June 30, 1999.

(h) Credit time earned by a person under subsection (a) for a diploma or degree completed before July 1, 1999, shall be subtracted from:

(1) the release date that would otherwise apply to the person after subtracting all other credit time earned by the person, if the person has not been convicted of an offense described in subdivision (2); or

(2) the period of imprisonment imposed on the person by the sentencing court, if the person has been convicted of one (1) of the following crimes:

(A) Rape (IC 35-42-4-1).

(B) Criminal deviate conduct (IC 35-42-4-2).

(C) Child molesting (IC 35-42-4-3).

(D) Child exploitation (IC 35-42-4-4(b)).

(E) Vicarious sexual gratification (IC 35-42-4-5).

(F) Child solicitation (IC 35-42-4-6).

(G) Child seduction (IC 35-42-4-7).

(H) Sexual misconduct with a minor as a Class A felony, Class B felony, or Class C felony (IC 35-42-4-9).

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- 1 (I) Incest (IC 35-46-1-3).
 2 (J) Sexual battery (IC 35-42-4-8).
 3 (K) Kidnapping (IC 35-42-3-2), if the victim is less than
 4 eighteen (18) years of age.
 5 (L) Criminal confinement (IC 35-42-3-3), if the victim is less
 6 than eighteen (18) years of age.
 7 (M) An attempt or a conspiracy to commit a crime listed in
 8 clauses (A) through (L).
 9 (i) The maximum amount of credit time a person may earn under
 10 this section is the lesser of:
 11 (1) ~~four (4)~~ **eight (8)** years; or
 12 (2) one-third (1/3) of the person's total applicable credit time.
 13 (j) The amount of credit time earned under this section is reduced
 14 to the extent that application of the credit time would otherwise result
 15 in:
 16 (1) postconviction release (as defined in IC 35-40-4-6); or
 17 (2) assignment of the person to a community transition program;
 18 in less than forty-five (45) days after the person earns the credit time.
 19 (k) A person may earn credit time for multiple degrees at the same
 20 education level under subsection (d) only in accordance with guidelines
 21 approved by the department of correction. The department of
 22 correction may approve guidelines for proper sequence of education
 23 degrees under subsection (d).
 24 **SECTION 3. [EFFECTIVE JULY 1, 2004] (a) All credit time that**
 25 **a person earned under IC 35-50-6-3.3, beginning July 1, 2002, and**
 26 **ending June 30, 2004, before the amendment of IC 35-50-6-3.3 by**
 27 **this act, shall be recalculated using the credit time amounts added**
 28 **by this act.**
 29 **(b) This SECTION expires July 1, 2005.**

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